

HOUSE BILL 2394
By Hill

AN ACT to amend Chapter 165 of the Private Acts of 1955; as amended by Chapter 201 of the Private Acts of 1980; Chapter 105 of the Private Acts of 1983 and Chapter 136 of the Private Acts of 1988; and any other acts amendatory thereto, relative to probate jurisdiction in Washington County.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 201 of the Private Acts of 1980, as amended by Chapter 105 of the Private Acts of 1983, Chapter 136 of the Private Acts of 1988, and any other acts amendatory thereto is further amended by deleting Section 1 and substituting instead the following:

SECTION 1. There is hereby created a second judgeship in the Court of General Sessions in Washington County. Such judgeship shall possess concurrent jurisdiction, powers, duties and responsibilities with the existing judgeship except as provided herein. The Court of General Sessions in Washington County shall be comprised of Part I which shall be the currently existing judgeship, and Part II which shall be the judgeship created by this Act.

Parts I and II of the Court of General Sessions shall in addition to the jurisdiction conferred by this act and Chapter 165 of the Private Acts of 1955, have exclusive jurisdiction and powers with respect to juvenile matters. This provision shall not affect or impair the powers or functions of the Juvenile Judge of Johnson City, Tennessee.

The procedure, rules of practice, and laws governing such court shall be the same as are now in force, except where expressly changed by this Act. Each part of the court shall regulate its own session.

SECTION 2. Chapter 201 of the Private Acts of 1980, as amended by Chapter 105 of the Private Acts of 1983, Chapter 136 of the Private Acts of 1988, and any other acts amendatory thereto is further amended by adding the following language as a new Section 2:

SECTION 2. All jurisdiction relating to the probate of wills and the administration of estates of every nature, including the estates of decedents and of wards under guardianships or conservatorships and related matters is hereby vested in the Chancery Court of the First Judicial District. The Chancery Court of the First Judicial District shall have exclusive jurisdiction over the probate of wills and the administration of estates of every nature, including the estates of decedents and of wards under guardianships or conservatorships, and all matters relating thereto in Washington County.

All causes relating to the probate of wills, the administration of estates, and juvenile matters heretofore described and designated; the exercise of jurisdiction over the estates of incompetents and minors; and the appointment of conservators and guardians, shall be heard in Jonesborough, Tennessee, with the records thereof being maintained in the Jonesborough office of the Clerk and Master of Washington County.

SECTION 3. Chapter 201 of the Private Acts of 1980, as amended by Chapter 105 of the Private Acts of 1983, Chapter 136 of the Private Acts of 1988, and any other acts amendatory thereto is further amended by deleting Section 5 and substituting instead the following:

SECTION 5. Washington County shall furnish for the sitting of each part of such court separate rooms. Provided, however, that the designated juvenile matters shall be heard in Jonesborough, Tennessee, with the court records thereof being maintained in the Circuit Court Clerk's office.

SECTION 4. Chapter 201 of the Private Acts of 1980; as amended by Chapter 105 of the Private Acts of 1983, Chapter 136 of the Private Acts of 1988, and any other acts amendatory thereto is further amended by deleting Section 6 and substituting instead the following:

SECTION 6. The clerk of the Circuit Court of Washington County shall act as the Clerk of the Court of General Sessions of Washington County.

The Clerk and Master of the Chancery Court of the First Judicial District shall serve as clerk for all matters relating to the probate of wills and the administration of estates of every nature, including the estates of decedents and of wards under guardianships or conservatorships and related matters. At least fifteen (15) days prior to the transfer of probate jurisdiction from the General Sessions Court of Washington County to the Chancery Court of the First Judicial District, the County Clerk of Washington County shall transfer all files, records and other documents relating to the probate of wills and the administration of estates of every nature, including the estates of decedents and of wards under guardianships or conservatorships and related matters to the Clerk and Master of the Chancery Court of the First Judicial District.

The Clerk of the Circuit Court in such clerk's capacity as Clerk of the General Sessions Court shall have such deputies and assistants as may be necessary for the proper administration of the duties of such clerk's office and such deputies and assistants shall be appointed in the same manner as now provided by law for the appointment and their compensation shall be as now provided by law for such clerk's office.

SECTION 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 6. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Washington County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified by the presiding officer of the county legislative body to the Secretary of State.

SECTION 7. For the purposes of approving or rejecting the provisions of this Act, it shall become effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 6.